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21 April 1992

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REPORT BY THE SECRETARY-GENERAL CONCERNING THE
CREDENTIALS OF THE DEPUTY REPRESENTATIVE OF
ZIMBABWE ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a communication dated 20 April 1992 from the Minister for Foreign Affairs of Zimbabwe stating that Mr. S. G. Chigwedere has been appointed deputy representative of Zimbabwe on the Security Council.

In the opinion of the Secretary-General, this communication constitutes adequate provisional credentials.



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LETTER DATED 20 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 20 April 1992 addressed to you by the Minister for Foreign Affairs of Iraq, Mr. Ahmad Hussein, concerning the so-called issue of the "Kuwaitis" in Iraq.

I should be grateful if you would have this letter and the annex hereto circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Letter dated 20 April 1992 from the Minister for Foreign Affairs
of Iraq addressed to the Secretary-General

MINISTRY OF FOREIGN AFFAIRS

Office of the Minister

Further to our letter dated 31 March 1992 and the preceding letters concerning the so-called issue of the "Kuwaitis" in Iraq, the delegation of the International Committee of the Red Cross (ICRC) in Baghdad has submitted its note No. 6597 dated 26 March 1992 and an annexed list containing 850 names, 723 of them Kuwaiti and 127 of different nationalities.

The latest list is the seventh amended list submitted by the Kuwaiti authorities. During the period from March 1991 to March 1992, the Kuwaiti authorities have transmitted to Iraq through ICRC and the League of Arab States seven lists, in which the numbers differ. Each time they mention a different number from the previous time. We give below the different numbers in the seven lists received by Iraq, which are inconsistent in the numbers of names given, as follows:

The first list contains 11,431 names - April 1991;

The second list contains 5,433 names - May 1991;

The third list contains 4,290 names - June 1991;

The fourth list contains 2,479 names - August 1991;

The fifth list contains 2,443 names - October 1991;

The sixth list contains 2,201 names - March 1992;

The seventh list contains 850 names - March 1992.

Ever since the cessation of military aggression, Iraq has spared no effort in cooperating with ICRC, the United Nations, Arab and international humanitarian organizations and international envoys by making all the requisite arrangements for finding out the truth regarding this issue, which, beyond any doubt, has been used against Iraq for hostile and inhumane political purposes.

We informed you in our previous letter that Iraq has fulfilled its obligations under paragraphs 30 and 31 of Security Council resolution 687 (1991), inasmuch as we, for our part, have carried out the practical measures required under the two above-mentioned paragraphs, since we have:

/...

1. Permitted ICRC to visit all prisons and places of detention in Iraq for the purpose of looking for missing Kuwaitis and other missing persons, without any restrictions or limitations;
2. Published in the newspapers on a number of occasions a list of the names of the missing with a view to providing us and ICRC with information about them.

An elementary consultation of the file on this subject leads us to find that the Kuwaiti regime and the other coalition parties formed a resolve at the time that this file was to constitute the cornerstone of their hostile activity aimed at discrediting Iraq, its leadership and its people, unrestrained by conscience or reference to the facts, and that they are merely exploiting the unnatural international circumstances surrounding Iraq.

Throughout the period referred to above and because of the circumstances through which Iraq is passing and which are well known to you, the Kuwaiti regime and the other coalition parties have assiduously engaged in ignominious lying and deliberate deception so as not to give the Arab and the international community any opportunity to become aware of the truth and, accordingly, put an end to the economic blockade imposed on Iraq without any justification.

The decisive proof of the untruthfulness of the allegations of the Kuwaiti regime and the coalition parties is their presentation of seven contradictory lists and the mention of different numbers each time, for, as is known in law, "Contradiction has no validity" and "He who strives to negate what has been done on his part is estopped". They claim that every list that they submit is the final and corrected list, which proves that, because of their inability to face the facts that disprove their allegations, they are strenuously trying to avoid the closing of this file as long as it encompasses some means that may be employed for attacking Iraq for the purpose of prolonging the iniquitous economic blockade imposed on it.

Any deliberate study of the principles set forth in the 1949 Geneva Conventions signed by all the parties concerned and any careful review of the principles of international humanitarian law and of all international customs and covenants and their correlation with Iraq's positive positions on the so-called "Kuwaiti detainees" leaves us convinced that the time has come to put an end to this issue in order to prevent the Kuwaiti regime and the other hostile parties from exaggerating and using this file against Iraq without any right and contrary to the truth. We appeal to you and to all States Members of the United Nations to become aware of the truth of this matter now that Iraq has repatriated more than 6,520 Kuwaitis and has submitted lists of the Kuwaiti and other nationals still in Iraq to the Kuwaiti authorities through ICRC. The latter number 3,594 and are free in Iraq, not detained. Up to the present time, the Kuwaiti authorities have not consented to receive them. Iraq has also furnished all possible information and extended all possible cooperation to all competent and other Arab and international committees and organizations with regard to the so-called "Kuwaiti detainees" and has allowed

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them to make full-length visits without restriction to prisons and places of detention. It has permitted the publication of lists of the alleged missing persons in all Iraqi newspapers in order to facilitate the search for information about them, and now, after all that, it has no further information to furnish in the future. Accordingly, it is not just or equitable that the rulers of Kuwait and the parties of the alliance should persist in injuring Iraq.

Iraq once again requests you, the Secretary-General, the Security Council, ICRC and all humanitarian and international organizations to take into consideration the above-mentioned facts and to stop the Kuwaiti regime and the hostile international parties continuing their disgraceful and tendentious procedures aimed at prolonging the economic blockade against Iraq.

I request you to have this letter circulated as an official document of the Security Council.

Accept, Sir, the assurances of my highest consideration.

(Signed) Ahmad HUSSEIN
Minister for Foreign Affairs
18 Shawwal A.H. 1412
20 April A.D. 1992



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LETTER DATED 20 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I wish to inform you of United States violations of Iraqi airspace for the purpose of surveillance and provocation during the period from 9 to 15 April 1992.

9-10 April 1992

Twenty-one sorties, flown by nine two-aircraft formations and three single aircraft at speeds of 600-900 km/h and at altitudes of 4,000-8,000 m, centred on Mosul, Dohuk, Tall Afar, Irbil and Zakho.

10-11 April 1992

Twenty-six sorties, flown by 10 two-aircraft formations and six single aircraft at speeds of 600-900 km/h and at altitudes of 1,500-6,000 m, centred on Mosul, Tall Afar, Dohuk, Zakho, Amadiyah and Irbil.

11-12 April 1992

Thirty sorties, flown by 13 two-aircraft formations and four single aircraft at speeds of 600-900 km/h and at altitudes of 1,500-6,000 m, centred on Mosul, Irbil, Dohuk, Zakho, Tall Afar, Amadiyah and Ayn Zalah.

12-13 April 1992

Twenty-one sorties, flown by 10 two-aircraft formations and one single aircraft at a speed of 800 km/h and at altitudes of 3,500-8,500 m, centred on Zakho, Amadiyah, Irbil, Mosul, and the area west of Mosul.

At 0947 hours on the same day, an aircraft coming from Saudi Arabian airspace (Al-Asghar area) crossed the Iraqi international frontier flying at a speed of 600 km/h and at an altitude of 9,000 m, penetrating 20 km into Iraqi airspace.

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13-14 April 1992

Twenty-four sorties, flown by 12 two-aircraft formations at speeds of 600-900 km/h and at an altitude of 4,500-5,000 m, centred on Irbil, Dohuk, Amadiyah and Mosul.

14-15 April 1992

Seventeen sorties, flown by six two-aircraft formations and five single aircraft at speeds of 600-850 km/h and at altitudes of 3,000-6,000 m, centred on Mosul, Irbil, Dohuk, Tall Afar and Zakho.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative



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LETTER DATED 20 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF
IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government and with reference to the letter dated 6 April 1992 addressed to you by the representative of the Islamic Republic of Iran (S/23786), I wish to respond to the letter in question and to the unfounded allegations that it contains.

On 5 April 1992, Iran committed a flagrant act of aggression against the sovereignty and territorial integrity of Iraq and claimed to have exercised its right of self-defence under Article 51 of the Charter of the United Nations. Iran asserts that it claimed the right and that the necessary legal justifications existed for it to commit aggression against a neighbouring State, without due regard for the measures that must be taken in such a situation, including fulfilment of the obligation to report on the matter to the United Nations so that it may play the role laid down in its Charter with a view to restoring order and preventing the situation from degenerating into an armed attack, which is precisely what did in fact happen; in order to carry out the act of aggression in question, Iran claimed that attacks had been launched by foreign elements against Iranian border centres.

Col. Kassem Mohammed Amin, one of the two Iranian pilots captured following the destruction of their aircraft, admitted that preparations had been made for the operation in question one month before it was carried out, the operation, originally scheduled to take place on 20 March, having been deferred for unknown reasons, which invalidates the Iranian allegations.

Iraq has always been concerned to respect and maintain good-neighbourly relations with Iran and not to permit any acts that would violate that principle. Iran, on the other hand, has committed numerous violations and organized operations to infiltrate Iraq launched by saboteurs from Iranian territory, following the allied forces, military operations against Iraq, with the aim of removing Iraq's system of government and installing an Iranian-style regime in its place. The elements in question also carried out operations for the purpose of murdering Iraqi citizens and destroying both their property and public property; these operations were instigated directly

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by the Iranian authorities, and Iraq is in possession of clear evidence in that connection. All these actions constitute proof positive of Iran's malevolent intentions with respect to Iraq and of its unwillingness to work towards the establishment of security and stability in the Iraq-Iran border areas and stable relations between the two countries.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative



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LETTER DATED 21 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF
FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the letter that Judge Bruguière, who is in charge of the investigation into the bombing of UTA flight 772, addressed to the Minister of State, Minister for Foreign Affairs, on 16 April 1992.

Beginning of quotation:

"Sir,

"You kindly transmitted to me a copy of the Libyan file on the enquiry into the bombing of the UTA DC-10, which Mr. Mujber, Ambassador of Libya in Paris, gave to you for transmission to me in order to meet the requirements of Security Council resolutions 731 and 748.

"At your request, in response to the Libyan offers of judicial cooperation brought to my attention by your departments, I defined the position that the Libyan authorities should adopt with respect to the investigation that I am in charge of.

"I indicated to you in that connection that Libya should be requested to transmit to me without any reservations or conditions any data relevant to the enquiry that it had in its possession. The probative value of such data was to be assessed by me without appeal, and I would thus be able to assess the genuineness of Libya's willingness to cooperate.

"After they had been translated, I carefully examined the documents thus transmitted to me.

"I have the honour to inform you that the content of the documents produced as constituting the Libyan file on the enquiry is inconsistent and the documents therefore have no probative value. There are even anomalies in some documents.

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"I shall leave it to you to transmit this assessment to Libya through the channel that you consider the most appropriate.

"Accept, Sir, the assurances of my highest consideration.

J. L. Bruguière
Senior Examining Magistrate
Paris, 16 April 1992"

End of quotation.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE



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ORIGINAL: FRENCH

LETTER DATED 21 APRIL 1992 FROM THE PERMANENT REPRESENTATIVE OF
FRANCE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

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"After they had been translated, I carefully examined the documents thus transmitted to me.

* Reissued for technical reasons.

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"I have the honour to inform you that the content of the documents produced as constituting the Libyan file on the inquiry is inconsistent and the documents therefore have no probative value. There are even anomalies in some documents.

"Thus, an examination of this file on the inquiry, which was transmitted late, moreover, does not in any way demonstrate that the Libyan authorities are willing to cooperate or that they genuinely intend to meet the requirements of the two above-mentioned Security Council resolutions.

"I shall leave it to you to transmit this assessment to Libya through the channel that you consider the most appropriate.

"Accept, Sir, the assurances of my highest consideration.

J. L. Bruguière
Senior Examining Magistrate
Paris, 16 April 1992"

End of quotation.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
